

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR No.3465 of 2017 (O&M)

Date of Decision: 22.02.2018

M/s Bhangu Trading Company and another

. . . Petitioners

Versus

Amrik Singh

. . . Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Anil Kumar Garg, Advocate
for the petitioners.

Mr. G.S. Salana, Advocate
for the respondent.

H.S. Madaan, J. (Oral)

On a complaint under Section 138 of the Negotiable Instruments Act having been filed by complainant Amrik Singh, against M/s Bhangu Trading Company, Booth No.157, New Grain Market, Commission Agent, Khanna and its registered partners Amarjit Singh Bhangu and Sukhwant Kaur, accused were summoned and they faced trial. Vide judgment dated 12.02.2015, M/s Bhangu Trading Company, Khanna and its partner Amarjit Singh Bhangu were convicted for offence under Section 138 of the Negotiable Instruments Act, whereas Sukhwant Kaur was acquitted vide order of the even date. Accused was sentenced as follows:-

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- i) *The accused is sentenced to undergo Rigorous imprisonment for a period of one year, six months and to pay fine of Rs.2,000/- in default thereof he shall further undergo rigorous imprisonment for a period of one month under section 138 of the Negotiable Instruments Act.”*

Feeling aggrieved, accused/convict filed Criminal Appeal, which was dismissed by the Additional Sessions Judge, Ludhiana vide judgment dated 10.08.2017. Thereafter, they approached this Court by way of filing revision petition before this Court notice of which was given to the complainant.

The matter had been referred to Mediation and Conciliation Centre of this Court, where the dispute was settled amicably between the parties, vide settlement agreement which is exhibited as Ex.C-1. The complainant has deposited 15% of the cheque amount in terms of ratio of **Damodar S. Prabhu Vs. Sayed Babalal H 2010 (2) RCR (Criminal) 851'** case of the Apex.

The present petition having been filed for offence under Section 138 of the Negotiable Instruments Act, is compoundable under Section 320 (6) Cr.P.C. Compounding of such offence can be allowed in this Court even in revision. That being so, the revision petition is accepted. The impugned judgment of conviction and sentence passed by the courts below are set aside. Resultantly, the revisionist is acquitted of acquisition of the notice of accusation served upon him. Petitioner No.2- Amarjit Singh Bhangu is stated to be in jail in this case. Release warrant of petitioner directing Superintendent Jail concerned to release him from

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the custody, if his custody is not required in connection with any other case.

[H.S MADAAN]
JUDGE

February 22, 2018
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Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No